

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

EUGENE BLAKE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:08-cv-00906

JAMES RUBENSTEIN, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff Lennis Angel's Request for Entry of Default [Docket 59]. By Standing Order entered on August 1, 2006, and filed in this case on July 9, 2008, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). On August 27, 2008, the case was reassigned to the undersigned District Judge and referred to United States Magistrate Judge R. Clarke VanDervort for submission of a PF&R. Magistrate Judge VanDervort filed his PF&R [Docket 180] addressing Plaintiff Angel's Request for Entry of Default [Docket 59] on August 5, 2009, recommending that the Court **DENY** the request.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's

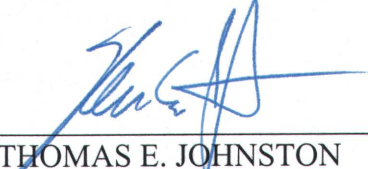
Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); and *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In this case, objections to the PF&R were due by August 21, 2009. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the recommendation contained in the PF&R [Docket 180], and **DENIES** Plaintiff Angel’s Request for Entry of Default [Docket 59].

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 25, 2009

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE